



BRAZOS COUNTY
BRYAN, TEXAS

DISASTER DECLARATION RELATED TO RISK OF WILDFIRES

WHEREAS, Brazos County has not had rainfall for an extended period of time, creating hot and dry conditions; and,

WHEREAS, the hot and dry conditions pose the threat of large, dangerous and fast moving wildfires; and

WHEREAS, such fires have the potential of endangering lives and damaging property on a large scale; and,

WHEREAS, Chapter 418 of the Texas Government Code gives the county judge power to declare a local disaster within the county "if the threat of disaster is imminent"; and

WHEREAS, the magnitude of the potential damage and the rapidity with which such a fire could escalate to major proportions constitute an imminent threat of disaster; and,

WHEREAS, declaration of such disaster authorizes the imposition of controls on activities which tend to increase the likelihood of fires; and

WHEREAS, a declaration issued under Section 418.108 of the Texas Government Code may include a prohibition of outdoor burning within the unincorporated area of Brazos County; and,

WHEREAS, Commissioners Court of Brazos County passed a burn ban effective from August 11, 2015 through October 7, 2015. The expiration of such burn ban creates an immediate threat of dangerous fires; and

WHEREAS, such controls, once implemented, have the potential of protecting lives and property by mitigating the threat of dangerous fires; and,

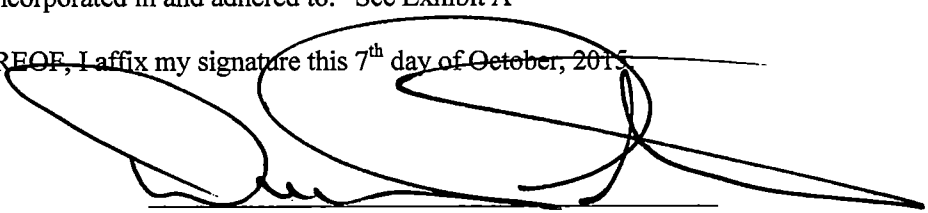
WHEREAS, a local disaster declaration expires seven days after its issuance unless the commissioners court consents to its renewal or continuance; and

BE IT THEREFORE PROCLAIMED that I, Duane Peters, County Judge of Brazos County, declare a local state of disaster based on the threat of wildfires in Brazos County, Texas.

BE IT ALSO PROCLAIMED that this state of disaster will continue until rescinded in accordance with the above statute, but in no instance will this declaration continue for more than seven days without being authorized by the County Commissioners Court.

BE IT ALSO PROCLAIMED that the rules, exceptions, and penalties of the burn ban that expired on October 7, 2015 be incorporated in and adhered to. "See Exhibit A"

IN WITNESS WHEREOF, I affix my signature this 7th day of October, 2015



Duane Peters, County Judge



BRAZOS COUNTY

BRYAN, TEXAS

ORDER 15-010 PROHIBITION OF OUTDOOR BURNING

WHEREAS, in accordance with provisions of the Texas Local Government Code, Chapter 352, a drought condition exists or has existed in Brazos County, Texas as determined by Texas Local Government Code Chapter 352; and,

WHEREAS, the Commissioners Court makes a finding that circumstances present in all or part of the unincorporated area of Brazos County create a public safety hazard that would be exacerbated by outdoor burning.

BE IT THEREFORE ORDERED that the following regulations are hereby established for all unincorporated areas of Brazos County, Texas for the duration of the above mentioned declaration;

1. **Action Prohibited:**

A person violates this order if he or she burns any combustible material outside of an enclosure serving to contain all flames and/or sparks, or orders such burning by others.

2. **Enforcement:**

A. As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.

B. Upon notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.

C. If in the opinion of the officer at the scene and/or the fire chief, the goal of the order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his discretion, notify the party about the provisions of this order and request compliance with it. In such instances, an entry of the notification shall be made into the dispatchers log containing the time, date, and place of the warning, and the name of the person receiving the warning.

3. At the discretion of the peace officer or the fire chief, second or flagrant violations of the order may be prosecuted in accordance with the statutes and procedures governing misdemeanors.

4. This Order prohibiting Outdoor Burning takes effect on September 1, 2015 and will expire on October 7, 2015, unless terminated earlier by the Commissioners Court or the County Judge. The Commissioners Court hereby designates to the County Judge the authority to terminate this Order in accordance with Local Government Code Section 352.081(c)(2).

5. This prohibition does not apply to prescribed outdoor burning activities related to public health and safety and/or trench-burning related to public health and safety that are authorized by the Texas Commission on Environmental Quality for: (1) firefighting training; (2) public utility; (3) natural gas pipeline or mining operations; (4) planting or harvesting of agriculture crops; or (5) burns that are conducted by a prescribed burn manager certified under Section 153.048 of the Texas Natural Resources Code, and meet the standards of Section 153.047 of the Texas Natural Resources Code.

6. **Exception(s):**

A. Welding

Welding may be allowed under the following guidelines only:

Provide a spotter for each welder, each cutter, each grinder, and for any activity that causes or may cause a spark.

- Maintain a minimum perimeter around the welding area of a radius of 25 feet or three times the height of the actual welding, whichever is greater. (Example: if the welding is occurring ten feet off the ground, a perimeter of thirty (30) feet radius must be protected). The perimeter must be clear of vegetation and kept wet. If the perimeter cannot be cleared of vegetation, proper precautionary measures must be taken (Example: protecting brush, etc, by utilizing fire resistant tarps).
- Maintain a minimum of 100 gallons of water at the site.
- Maintain a minimum of one (1) water pressure fire extinguisher per spotter.
- No welding shall occur if winds are greater than 20 mph or relative humidity is less than 30%.
- Prior to conducting any welding activity, the welder shall give notice to the Brazos County Risk Manager and Brazos County Emergency Services (979-779-0911). The notice may be by phone but shall give the name of the welder conducting the welding operation, the location of the operation, cell phone number of other contact information, and the name of party responsible.

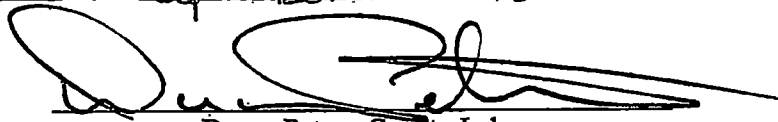
B. Outdoor Cooking

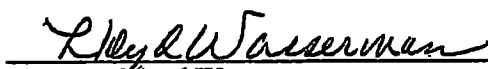
All outdoor cooking or open flame device is prohibited


- Unless the cooking device is propane or natural gas and has a complete and full enclosure that is utilized at all times.
- Unless the cooking device is wood or charcoal and has a complete and full enclosure that is utilized, and all areas around the cooking device shall be clear of vegetation and/or combustible materials or debris for a 5' radius.


BE IT ALSO ORDERED that this order may be enforced by any duly-commissioned peace officer and that the venue for prosecution of this order will be the Justice of the Peace.

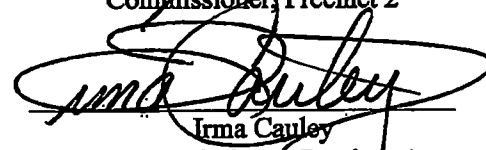
APPROVED, this 1st day of September, 2015.


Duane Peters, County Judge


Lloyd Wassermann
Commissioner, Precinct 1


Kenny Mallard
Commissioner, Precinct 3


Sammy Catalena
Commissioner, Precinct 2


Irma Cauley
Commissioner, Precinct 4